

ASSEMBLY BILL

No. 1537

Introduced by Assembly Member Bass

February 22, 2005

An act to add Section 23817.6 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1537, as introduced, Bass. Alcoholic beverages: issuance of license: restrictions.

Under existing law, the Department of Alcoholic Beverage Control is authorized to place reasonable restrictions upon retail licensees or any licensee in the exercise of retail privileges in various situations. Existing law provides that the number of premises for which an off-sale beer and wine license may be issued shall be limited to one for each 2,500, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 1,250 inhabitants when those premises are combined with premises for which an off-sale general license is issued in the same city or county.

This bill would revise those ratios for premises located in a high crime area, as defined, to limit the number of premises for which an off-sale beer and wine license may be issued to one for each 3,000, or fraction thereof, of inhabitants of the city or county in which the premises are situated, and to one for each 2,000 inhabitants, when those premises are combined with premises for which an off-sale general license is issued in the same city or county. This bill would also define "inhabitant" to exclude any person under the age of 21 years.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 23817.6 is added to the Business and Professions Code, to read:

23817.6. (a) (1) Notwithstanding Section 23817.5, the number of premises for which an off-sale beer and wine license is issued shall be limited to one for each 3,000, or fraction thereof, inhabitants of the city or county in which the premises are situated, if the premises are located in a crime reporting district as defined in paragraph (1) of subdivision (a) of Section 23958.4. No additional off-sale beer and wine license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any city or county where the number of premises for which all off-sale beer and wine licenses are issued is more than one for each 3,000, or fraction thereof, inhabitants of the city or county.

(2) The number of premises for which an off-sale beer and wine license is issued in a city and county, in combination with the number of premises for which an off-sale general license is issued in a city and county, shall be limited to one for each 2,000, or fraction thereof, inhabitants of the city and county in which the premises are situated, if the premises are located in a crime reporting district as defined in paragraph (1) of subdivision (a) of Section 23958.4. No additional off-sale beer and wine license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any city and county where the number of premises for which all off-sale beer and wine licenses in combination with off-sale general licenses are issued is more than one for each 2,000, or fraction thereof, inhabitants of the city and county.

(b) For purposes of this section, “inhabitant” does not include any person who is under the age of 21 years.

(c) Notwithstanding subdivision (a), a retail off-sale beer and wine replacement license shall be issued upon application when all of the following conditions exist:

(1) The replacement license is only for use at a premises which was licensed and operated within the past 90 days.

(2) The prior licensee abandoned the premises or the original license is subject to a bankruptcy proceeding and the prior licensee has no right to operate at that location. For purposes of

1 this paragraph, “abandoned” means that the prior license has not
2 been transferred to a new location and the prior licensee is not
3 exercising dominion or control over the premises. “Abandoned”
4 does not mean a license which has been voluntarily surrendered
5 pursuant to department rule.

6 (3) The application for a replacement license shall be
7 accompanied by a fee of one hundred dollars (\$100).

8 (d) The following limitations shall apply to the issuance of a
9 replacement license:

10 (1) The replacement license shall not be transferred to another
11 premises.

12 (2) All conditions imposed on the original license shall apply
13 to the replacement license.

14 (3) The original license shall be canceled by operation of law
15 upon the issuance of the replacement license.